

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSIE M. COPELAND,

Plaintiff,

v.

Case No. 06-C-639

**JO ANNE B. BARNHART,
Commissioner, Social Security Administration,**

Defendant.

DECISION AND ORDER

On May 31, 2006, the plaintiff Josie M. Copeland (“Copeland”) filed her complaint, in this Court, seeking review of a decision of the defendant Commissioner of Social Security Administration denying Copeland’s request for Disability Insurance Benefits. Accompanying the complaint is Copeland’s application and affidavit for leave to proceed *in forma pauperis* (IFP), which the Court now considers.

To authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: (1) whether the litigant is unable to pay the costs of commencing the action; and (2) whether the action warrants dismissal because it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. §§ 1915(a)(1) & (e)(2).

Copeland's affidavit reveals that she is single, currently unemployed, and resides in a household with her two dependent children. Copeland lists monthly expenses totaling \$960. She avers that her family's monthly income consists of \$628 in Welfare-to-Work benefits and \$130 in food stamps. Copeland's children receive a total monthly sum of \$651 in Social Security benefits through their father. One child additionally receives \$461 in federal Supplemental Security Income benefits and \$83.78 in Wisconsin Supplemental Security Income benefits. Copeland's affidavit reveals that she has no cash or valuable assets.

Having subtracted her claimed expenses from her household's claimed income, the Court finds that Copeland's household income outstrips her claimed monthly expenses by almost \$900 per month. Even allowing for unexpected expenses and the like, the Court, based on the information before it, finds that Copeland is able to pay the costs of commencing her action.

Because the Court finds that Copeland is able to pay the filing fee for her action, the Court will not inquire whether Copeland's action warrants dismissal because it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Copeland's Motion to Proceed *In Forma Pauperis* (Docket No. 2) is **DENIED**.

Copeland **SHALL** pay the filing fee for her action no later than July 24, 2006. Failure to pay the filing fee by July 24, 2006 will result in the dismissal of her action.

Dated at Milwaukee, Wisconsin this 20th day of June, 2006.

BY THE COURT

s/ Rudolph T. Randa

**Hon. Rudolph T. Randa
Chief Judge**